

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MICHAEL SHANE STEPHENS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:07cv96LGJMR

HARRISON COUNTY, MISSISSIPPI;
SHERIFF GEORGE H. PAYNE, JR.;
AND UNKNOWN OFFICERS IN THIER
INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANTS

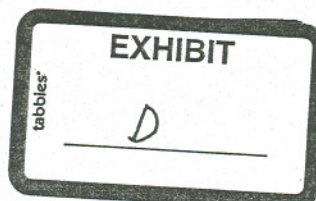
STATE OF MISSISSIPPI

COUNTY OF HARRISON

AFFIDAVIT OF DANNY GILKERSON

PERSONALLY CAME AND APPEARED BEFORE ME the undersigned authority in and for the County and State aforesaid, the within named, DANNY GILKERSON, who, after first being duly sworn by me on his oath, did depose and state the following:

1. My name is Danny Gilkerson, and I am over the age of twenty-one (21) years. I have personal knowledge of the matters and facts contained in this Affidavit and I am competent to testify to the matters stated herein.
2. I have been a deputy with the Harrison County Sheriff's Department since March 1, 2005. Prior to March 1, I was a deputy with the Hancock County Sheriff's Department, and was active as a Hancock County Deputy at the time of this February 5, 2004 incident.
3. While on patrol on Highway I-10, at approximately 21:54 hours on February 5, 2004, I responded to a call for assistance from the Harrison County Sheriff's Dispatcher.



4. Hancock County Deputy James B. Esposito was also patrolling Highway I-10 at this time and also received this call for assistance from the Harrison County Dispatcher.
5. As the vehicle being pursued by Harrison County patrol cars entered Hancock County on Highway I-10 westbound, Hancock County Deputy Esposito and I joined in the pursuit in our respective patrol cars. The two Harrison County patrol cars followed my patrol car as I followed Deputy Esposito's patrol car during this pursuit.
6. As the fleeing suspect's vehicle approached the 2-mile marker on Highway I-10, Hancock County Deputies put out "stop sticks" puncturing the suspect's tires, causing his vehicle to veer off to the right-hand shoulder where his vehicle came to a stop.
7. As I passed the suspect's stopped vehicle, I braked to a stop, and drove back to the shoulder of the North side of Interstate-10 westbound. At the scene, I observed Deputy Esposito's patrol car stopped immediately beside the suspect's vehicle. I then saw a flashlight beam in the wooded area immediately adjacent to, and North of the Highway I-10 westbound shoulder.
8. I responded to the direction of this flashlight beam and entered the wooded area where I observed Hancock Deputy James B. Esposito handcuffing the suspect on the North side of a fence that was approximately 15 yards into the wooded area.
9. I remained on the South side of the fence while Deputy Esposito cut the barbed wire from the fence. The suspect (later identified as Michael Shane Stephens) then stepped over the fence, while Deputy Esposito and I held him to keep him from falling.
10. Deputy Esposito and I began to escort Stephens through the wooded area. Then Deputy Esposito returned to the fence to retrieve equipment that had fallen off his belt during the

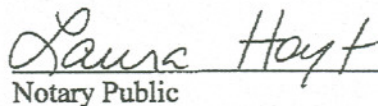
pursuit. I continued to escort Stephens through the wooded area to the Highway I-10 westbound shoulder while Deputy Esposito searched for his equipment. When I reached the Highway I-10 shoulder, I turned Stephens over to Harrison County Deputy Gene Dedeaux for transport to the Harrison County Adult Detention Center.

I certify the above declaration is true and correct under the penalty of perjury.



Danny Gilkerson - Affiant

Sworn to and subscribed before me on this the 23 day of April, 2008.



Notary Public

My Commission Expires:

10-19-09

(SEAL)

